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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,708

03/31/2004

Oscar Miramontes

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10/05/2005

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,708

Applicant(s)

MIRAMONTES, OSCAR

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (US Pat. Application 20040070491 A1).

In reference to claims 1-5, 7-11, 13-15, 17-20, Huang discloses the claimed method of receiving a programming signal onto an RFID reader in a remote control device, wherein the programming signal conveys codeset data, which is met by a universal remote control 10 is provided with appliance activated setup ("DAS") capability whereby the universal remote control 10 may be setup by appliances to command functions of the appliances, illustrated as a TV set 14 and a VCR 15. The remote control 10 includes a microcontroller 19, a transmitter and a receiver (or transceiver), generally labeled as 25, various command keys, generally labeled as 16, and a power key or button 17, all as is well known. As illustrated, it is to be understood that soft keys displayed on a touch screen could be substituted for or used in conjunction with hard keys. Communications between illustrated devices may be performed using infrared (IR) transmissions and/or other transmission mediums such as radio frequency (RF), inductive coupling, visible

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light (e.g., modulating a TV picture signal) (page 2, col. 1). RFID tags comprising an RF transceiver IC chip 1020 programmed with a product identification, together with a coil 1010 which serves both as an antenna and to gather power from the signal generated by the reading device (i.e., in the case of a "passive" or reader powered tag). The RFID tag 1000 illustrated in FIG. 10a is adapted for use in conjunction with a product label 1030, while the RFID tag 1100 illustrated in FIG. 10b is miniaturized and encapsulated 1040 (page 4, column 1). or retrieving the RFID tag data, the universal remote control 10 may be adapted to emit radio signals that function to activate the RFID tag to thereby read the RFID tag data. For example, the radio signals may be emitted from the universal remote control 10 in response to activation of a "setup" button of the universal remote control. The electromagnetic field produced by the antenna 102 can be limited in range so as to allow the universal remote control 10 to control the number of RFID tags to be read (page 4, column 2).

In reference to claims 6, 16, Huang discloses the claimed RFID transponder that is part of an electronic consumer device, which is met by the RFID is attached to TV set 14 and VCR 15 (page 2, column 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. in view of Collins et al. (US Pat. 6,392,544 B1)

In reference to claims 12, although Huang does not specifically disclose the claimed capacitor, wherein the capacitor and the coupling element together form an LC circuit, which is met by communications between illustrated devices may be performed using infrared (IR) transmissions and/or other transmission mediums such as radio frequency (RF), inductive coupling, visible light (e.g., modulating a TV picture signal) (page 2, col. 1). RFID tags comprising an RF transceiver IC chip 1020 programmed with a product identification, together with a coil 1010 which serves both as an antenna and to gather power from the signal generated by the reading device (i.e., in the case of a "passive" or reader powered tag) (page 2, column 1). Collins discloses a system including a plurality of electrostatic antenna elements 122a-i are disbursed selectively onto shelves 102. Electrostatic antenna elements 122a-i are shown in FIG. 1 vertically disbursed, but are alternatively horizontally or otherwise disbursed or distributed. The active areas 130a-e are areas selected to have respective adjacent electrostatic antennas energized to read articles with RFID tags in the active areas 130a-e. For example, if a first electrostatic antenna element 122a and a second electrostatic antenna element 122b are energized with a potential difference, that is, one being connected to a first potential terminal of a RFID exciter circuit and the other being connected to a second potential terminal of the exciter circuit, then an electric field is generated generally around active area 130a such that articles 112, which have RFID tags 132, are excited and energized via capacitive coupling to return data to an exciter. Since Huang discloses a system that includes an RF reader that uses

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inductive coupling, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using a capacitor and coupling the element together form an LC circuit, as disclosed by Collins, with the system of Huang, as another means for ensuring that the reader reading the codes associated with the tag.

5. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Kretschmann (US Pat. 6,167,464), which discloses an RF reader in communication with several machines.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davetta W. Goins  
Primary Examiner  
Art Unit 2632



D.W.G.  
October 2, 2005